

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, a Delaware limited liability company; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation,

Plaintiffs,

v.

VIMEO, LLC d/b/a VIMEO.COM, a Delaware Limited Liability Company; CONNECTED VENTURES, LLC, a Delaware Limited Liability Company, and DOES 1-20, inclusive,

Defendants.

EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; EMI VIRGIN SONGS, INC., a New York Corporation; EMI GOLD HORIZON MUSIC CORP., a New York Corporation; EMI U CATALOG, INC., a New York Corporation; EMI UNART CATALOG INC., a New York Corporation; JOBETE MUSIC CO., INC., a Michigan Corporation; and STONE DIAMOND MUSIC CORPORATION, a Michigan Corporation,

Plaintiffs,

v.

VIMEO, LLC d/b/a VIMEO.COM, a Delaware Limited Liability Company; CONNECTED VENTURES, LLC, a Delaware Limited Liability Company, and DOES 1-20, inclusive,

Defendants.

CASE NOS. 09 CV 10101 (RA)
09 CV 10105 (RA)

**NOTICE OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT ON
DEFENDANTS' DEFENSE UNDER
SECTION 512 OF THE DMCA**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; Local Rule 56.1 Statement; Declarations of Russell J. Frackman, Bruce Ward, Ellis Horowitz, Ph.D, James D. Berkley, Affidavit of Christopher Butler, and exhibits thereto; and Request for Judicial Notice and exhibits thereto, Plaintiffs¹ hereby move this Court before the Honorable Ronnie Abrams, United States District Judge for the Southern District of New York, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment and dismissing Defendants' defense asserted under Section 512 of the Digital Millennium Copyright Act.

DATED: October 12, 2012
New York, New York

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Russell J. Frackman
Russell J. Frackman (*pro hac vice*)
Marc E. Mayer (*pro hac vice*)
11377 West Olympic Boulevard
Los Angeles, California 90064-1683
Telephone: (310) 312-2000

Christine Lepera (ctl@msk.com)
12 East 49th Street, 30th Floor
New York, New York 10017
Telephone: (212) 509-3900

Attorneys for Plaintiffs

¹ Plaintiffs are Capitol Records, LLC, Caroline Records, Inc., Virgin Records America, Inc., EMI Blackwood Music, Inc., EMI April Music, Inc., EMI Virgin Music, Inc., Colgems-EMI Music, Inc., EMI Virgin Songs, Inc., EMI Gold Horizon Music Corp., EMI U Catalog, Inc., EMI Unart Catalog Inc., Jobete Music Co., Inc., and Stone Diamond Music Corporation.